

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:05-CR-400-11-FDW

UNITED STATES OF AMERICA)
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vs.)
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JOSHUA GRIMES,)
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Defendant.)
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ORDER

THIS MATTER comes now before the Court on Defendant Grimes' motion for discovery (Doc. No.160) and motion to reconsider (Doc. No. 161). The Court STAYS the effect of its prior Order (Doc. No. 151) and HOLDS the pending motions IN ABEYANCE pending a hearing, to be held at **12:00 p.m. on Tuesday, October 23, 2007**, in Courtroom No. 1 of the Charles R. Jonas Federal Building, Charlotte, North Carolina. Counsel should be prepared to address the issue of the existence of assets and should be prepared to make such disclosure and produce evidence and records at the hearing. The Court is especially concerned with implied existence of assets (thorough Defendant's assertion of the Fifth Amendment) in light of Defendant's sworn testimony at his arraignment before Magistrate Judge Carl Horn III. When questioned by Magistrate Judge Horn, Defendant testified under oath that he had: (1) no "money at all in this country or any other country with which he could retain an attorney;" (2) no money in any bank account "at this point;" and (3) did not own any real property or vehicles. (See Transcript of Arraignment Hearing, August 13, 2007). Defendant's motion to reconsider appears inconsistent with Defendant's testimony at his arraignment. Accordingly, counsel should be prepared to address this issue.

IT IS SO ORDERED.

Signed: October 15, 2007



Frank D. Whitney
United States District Judge
